



**TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS
PUBLIC MEETING MINUTES
August 11, 2016 7:00 P.M.**

Call to Order (Time): 7:00 p.m.

Pledge to Flag:

Roll Call:

Absent Eric Olson

Present Jerry Wilkening

Absent John Kiepura

Present Jeff Bunge

Present Jeremy Kuiper

Present David Austgen, Town Attorney

Present Tim Kubiak, Director of Operations

Present Tammy Bilgri, Recording Secretary

Others present Michelle Bakker, Building Administrator

Minutes:

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to approve the July 14, 2016 minutes as presented. Roll Call Vote: 3-0

Old Business:

David Austgen stated we have one item of old business to take care of before we get started. Michelle Bakker stated for the Monastery Cottage Homes the second unit where we approved 1, 2, 293 & 294. On May 12, 2016 we approved a rear yard setback of twenty-five (25) feet and then they came back to do the lot coverage of, front yard of fifty (50) feet, side yard five (5) feet and in there it accidentally said a rear yard of thirty (30) feet. So we need to approve the first motion that was made on May 12 instead of June 9.

A motion was made by Jeff Bunge and seconded by Jerry Wilkening to correct the said scriveners error to that item on the agenda.

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|------------|-----------------|--------------|------------|---------------|------|
| Eric Olson | Jerry Wilkening | John Kiepura | Jeff Bunge | Jeremy Kuiper | Vote |
| Absent | Yes | Absent | Yes | Absent | 3-0 |

1. Brian Hardesty – Developmental Variance

Owner: Brian Hardesty, 9413 W. 142nd Ave., Cedar Lake, IN 46303
Petitioner: Brian Hardesty, 9413 W. 142nd Ave., Cedar Lake, IN 46303
Vicinity: 9413 W. 142nd Ave., Cedar Lake, IN 46303
Legal Description: Jane Dwan Gardens BL.4 Lots 34 & 35
Tax Key Number(s): 45-15-34-106-017.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District Section 4: C. There shall be two (2) side yards, each having a width of not less than eight (8) feet and the aggregate width of both side yard on any lot shall not be less than twenty percent (20%) of the width of the lot **and** D. there shall be a rear yard not less than twenty-five percent (25%) of the depth of the lot **and** E. Not more than twenty-five percent (25%) of the area of the lot may be covered by buildings/structures.

This Developmental Variance is to allow the Petitioner to build an attached garage with zero (0) side yard setback, a twenty (20) foot rear yard setback and to exceed lot coverage

Deferred from May 12, 2016 Public Meeting

Deferred from June 9, 2016 Public Meeting

Deferred from July 14, 2016 Public Meeting

- Attorney to Review Legals: David Austgen stated everything is the same, it is a continued proceeding.
- Petitioner's Comments: Brian Hardesty, 9413 W. 142nd Ave., to build three (3) feet from the property line to build a 12' x 19' or 12' x 15' which will be flush with the back yard patio. Will not be on neighbor's property at all.
- Remonstrators: None
- Building Department's Comments: Tim Kubiak originally he was asking for a zero setback and he has since change his request for a three (3) foot, so he has some side yard. Michelle Bakker stated if the garage is 12' x 15' he will still have thirty-seven (37) feet left in the rear yard. He would still exceed lot coverage. Tim Kubiak stated he has compromised, and it is either this or nothing.
- Board's Discussion: Discussion on size of garage, lot coverage and rear yard setback ensued. David Austgen stated the surveyor should give us an as built for our file.

A motion was made by Jeff Bunge and seconded by Jerry Wilkening to approve the Developmental Variance as requested with the conditions of a minimum three (3) foot east side yard setback with the lot coverage for a 12'x17' addition and also an as built from the surveyor be submitted to the town before occupancy and to include the findings of fact.

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| Eric Olson | Jerry Wilkening | John Kiepura | Jeff Bunge | Jeremy Kuiper | Vote |
| Absent | Yes | Absent | Yes | Absent | 3-0 |

2. Kyle Pittman – Developmental Variance

Owner: Kyle Pittman, 9409 W. 141st Ave., Cedar Lake, IN 46303
 Petitioner: Kyle Pittman, 9409 W. 141st Ave., Cedar Lake, IN 46303
 Vicinity: 9409 W. 141st Ave., Cedar Lake, IN 46303
 Legal Description: CEDARCREST SUBD. L.2 BL.3
 Tax Key Number(s): 45-15-34-103-001.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII-Accessory Regulations; 2) a. 4) No accessory building shall be allowed in the front yard of any residential lot.

This Developmental Variance is to allow the Petitioner to put a shed in a front yard on a corner lot

Deferred from July 14, 2016 Public Meeting

- a) Attorney to Review Legals: David Austgen stated all legals are in order, there is communication in the file about the notice of deferral to the applicant.
- b) Petitioner's Comments: Kyle Pittman, 9409 W. 141st Ave., getting a shed on corner lot, need variance because considered a front yard.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated his house is placed all the way in the back corner of his property. He has no other place to put a shed other than the side yard.
- e) Board's Discussion: Discussion ensued on how close this would be to the road, how far from property line and the size of the shed.

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to approve the Developmental Variance as requested and based on the findings of fact.

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| Eric Olson | Jerry Wilkening | John Kiepura | Jeff Bunge | Jeremy Kuiper | Vote |
| Absent | Yes | Absent | Yes | Yes | 3-0 |

3. Ed Nowdomski – Developmental Variance

Owner: Ed Nowdomski, 13809 Morse, Cedar Lake, IN 46303
 Petitioner: Ed Nowdomski, 13809 Morse, Cedar Lake, IN 46303
 Vicinity: 13809 Morse, Cedar Lake, IN 46303
 Legal Description: N. 49.50 FT. OF S. 31 RDS. OF W. 150 FT. OF NW. SE. S.26 T.34 R.9 CONT'G. .17A.
 Tax Key Number(s): 45-15-26-404-004.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXII Sign Regulations; Sec. 3; A. 1. c. i. In the case of one (1) such on-premise signs, sixty (60) square feet in size.

This Developmental Variance is to allow the Petitioner to have an 87 sq. ft. non electric sign on the building

Deferred from July 14, 2016 Public Meeting

- a) Attorney to Review Legals: David Austgen stated the legals remain in order as a deferred item at a public meeting.
- b) Petitioner's Comments: Ed and Mary Jane Nowdomski, 13705 Birch St., did not realize code was 60 sq. ft. Asking for variance because it has doubled their business. The sign has made their business boom. Not electrical.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated has no problem with it, other than being over the allowed 60 sq. ft.
- e) Board's Discussion: Jeremy Kuiper asked if they would be putting any other signs on the property. The answer was no. Jerry Wilkening asked what the sign was made from. The answer was powder coated aluminum.

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to approve the Developmental Variance as requested with conditions of no other signs, no lights and for this petitioner/business only and to include the findings of fact.

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| Eric Olson | Jerry Wilkening | John Kiepura | Jeff Bunge | Jeremy Kuiper | Vote |
| Absent | Yes | Absent | Yes | Yes | 3-0 |

4. Keith Piszro – Developmental Variance/Use Variance

Owner: Keith Piszro, 13485 W. 117th, Cedar Lake, IN 46303
 Petitioner: Keith Piszro, 13485 W. 117th, Cedar Lake, IN 46303
 Vicinity: 111 Broadway, Cedar Lake, IN 46303
 Legal Description: Pt. NE.1/4 NE.1/4 S.28 T.34 R.9 (93x185ft) 0.395Ac
 Tax Key Number(s): 45-15-28-228-008.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI – Fence Regulations, Section 2: B. 1) Maximum height shall be three (3) feet; 2) No fence shall be allowed between the right-of-way and the front setback line in commercial areas served by sidewalks

This Developmental Variance is to allow the Petitioner to have a fence in the front yard with a height of four (4) feet

Deferred to November 10, 2016 Public Meeting

- a) Attorney to Review Legals:
- b) Petitioner's Comments:
- c) Remonstrators:
- d) Building Department's Comments:
- e) Board's Discussion:
- f) Board's Decision:

Motion: _____ 2nd: _____

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| Eric Olson | Jerry Wilkening | John Kiepura | Jeff Bunge | Jeremy Kuiper | Vote |
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Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XII – Neighborhood Business, Section 2: B.; 25. Restaurants, or Cafes (excluding dancing or entertainment and restaurants of a drive-in nature and establishments serving alcoholic beverage)

This Use Variance is for outdoor dining.

- a) Attorney to Review Legals:
- b) Petitioner's Comments:
- c) Remonstrators:
- d) Building Department's Comments:
- e) Board's Discussion:
- f) Recommendation to Town Council:

Motion: _____ 2nd: _____

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| Eric Olson | Jerry Wilkening | John Kiepura | Jeff Bunge | Jeremy Kuiper | Vote |
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New Business:

1. Benedict Bravo – Developmental Variance

Owner: Benedict Bravo, 12841 Fairbanks St., Cedar Lake, IN 46303
 Petitioner: Benedict Bravo, 12841 Fairbanks St., Cedar Lake, IN 46303
 Vicinity: 12841 Fairbanks St., Cedar Lake, IN 46303
 Legal Description: Krystal Oaks Estates Lot 40
 Tax Key Number(s): 45-15-23-277-008.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI-Fence Regulations; Section 1: A. 1)No fence shall be located in the front yard.

This Developmental Variance is to allow the Petitioner to install a six (6) ft. vinyl fence in the front yard

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.

- b) Petitioner’s Comments: Ben Bravo, 12841 Fairbanks St., wants to match fence with his neighbor.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated no issues.
- e) Board’s Discussion: Discussion on type of fence and location ensued.

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to approve the Developmental Variance as requested with a twenty-two (22) foot side yard to match the neighbor’s based on the findings of fact.

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| Eric Olson | Jerry Wilkening | John Kiepura | Jeff Bunge | Jeremy Kuiper | Vote |
| Absent | Yes | Absent | Yes | Yes | 3-0 |

2. Brad Press – Developmental Variance

Owner: Brad Press, 15052 Carey St., Cedar Lake, IN 46303
Petitioner: Brad Press, 15052 Carey St., Cedar Lake, IN 46303
Vicinity: 15052 Carey St., Cedar Lake, IN 46303
Legal Description: Lynnsway Unit 3 Lot 136
Tax Key Number(s): 45-19-04-226-021.000-057

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI-Fence Regulations; Section 1: A. 1) No fence shall be located in the front yard.

This Developmental Variance is to allow the Petitioner to install a six (6) ft. vinyl fence in the front yard

- a) Attorney to Review Legals: David Austgen the legals are in order, public hearing may be conducted.
- b) Petitioner’s Comments: Brad Press, 15052 Carey St., would like to put a fence in my traditional back yard, which is considered a front yard.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak similar to all the others on the same street. No issues.
- e) Board’s Discussion: None

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to approve the Developmental Variance as requested based on the findings of fact.

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| Eric Olson | Jerry Wilkening | John Kiepura | Jeff Bunge | Jeremy Kuiper | Vote |
| Absent | Yes | Absent | Yes | Yes | 3-0 |

3. Michelle Spohn – Developmental Variance

Owner: Michelle Spohn, 8712 W. 139th Pl., Cedar Lake, IN 46303
Petitioner: Michelle Spohn, 8712 W. 139th Pl., Cedar Lake, IN 46303
Vicinity: 8712 W. 139th Pl., Cedar Lake, IN 46303
Legal Description: LAKE SHORE ADD. LOTS 5 & 6 BL.1
Tax Key Number(s): 45-15-27-451-006.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI: Fence Regulations: Section 1: A. 1) No fence shall be located in the front yard.

This Developmental Variance is to allow the Petitioner to build a six (6) ft. wood fence in the front yard

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner’s Comments: Michelle Spohn, 8712 W. 139th Pl., looking to put a six (6) ft. wood fence on property line. Twelve (12) foot off of Lauerman, twelve (12) foot off of 139th Pl., and twelve (12) foot in from the stop sign where the fence would be angled, go all the way down to hook it up to the front of the house. The side yard is considered my back yard, which is considered a front yard.
- c) Remonstrators: Mindy Rios, 8712 W. 139th Pl., concerns with vision on other side of street. Trying to stop traffic from driving in their yard. Want fence for safety of her daughter and dog.
- d) Building Department’s Comments: Tim Kubiak stated his main concern is with vision off the corner. According to the survey it looks like her property line is ten (10) foot off the road. Are you talking twelve (12) feet on your property. The vision triangle is twenty (20) feet back off the corner.
- e) Board’s Discussion: Jerry Wilkening asked Tim Kubiak with 139th being a forty (40) foot roadway/right of way, the yellow line on these pictures, we don’t know if 139th is

really where it is suppose to be. Jeff Bunge stated looks like it is in the right of way, just don't know if it is centered. David Austgen stated the right of ways exist, the improvements on one side or the other may not be centered. Tim Kubiak stated she does have a survey. Discussion ensued on how far she would need to set the fence back. Tim Kubiak stated he thinks the fence needs to be six (6) foot in from the property line minimum and then twenty (20) foot off the corners, it would not interfere with vision. Jeremy Kuiper stated we would want the vision triangle maintained. Michelle Bakker stated she would need to figure out where the property line is. Jeremy Kuiper agrees with Tim Kubiak's recommendation of six (6) feet off property line and twenty (20) feet from corner. Jeff Bunge has concerns with six foot fence on Lauerman. David Austgen stated he suggested to the chairman, that maybe the importance of a deferral here for you all to go look at it, maybe ask the petitioner to put some stakes in to show the proposed application, to give a visual of how it would work when it is up. Jerry Wilkening suggested getting the property lines staked. Michelle Bakker stated this is her job and she can't even tell where the property line is and how much is unimproved road. Jeremy Kuiper asked if she would be willing to find out where the property line is and put the stakes up as requested by the board, so we know everything is in place.

A motion was made by Jeff Bunge and seconded by Jerry Wilkening to defer this request to the September 8, 2016 BZA Public Meeting.

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| Eric Olson | Jerry Wilkening | John Kiepora | Jeff Bunge | Jeremy Kuiper | Vote |
| Absent | Yes | Absent | Yes | Yes | 3-0 |

4. Clif Kekelik – Developmental Variance

Owner: Clif Kekelik, 6824 W. 128th Ln., Cedar Lake, IN 46303
Petitioner: Joshua A. Skalka, 3030 Ashton Hill, Schererville, IN 46375
Vicinity: 6824 W. 128th Ln., Cedar Lake, IN 46303
Legal Description: Highgrove 2nd Add Blk 12 Lots 32 & 33
Tax Key Number(s): 45-15-23-266-025.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XX-Supplementary Zoning District Regulations; Section 6: A. Carport: A carport may be permitted over a driveway in a side yard, provided such structure is not more than one (1) story in height and twenty-five (25) feet in length and is entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features; however, said carport may not extend to within six (6) feet of a side lot line.

This Developmental Variance is to allow the Petitioner to have a car port in the front yard with a three (3) ft. setback, three (3) ft. setback from house and side yard setback of one (1) ft.

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Joshua Skalka, 6824 W. 128th Ln., on the plot where it shows a potential garage being put on the property, right in front of that were you would extend the driveway is a well. So it would be pointless to put a drive back there, so we thought of putting up a car port so the car would be covered from the elements. Made out of treated wood, roof matching house shingles. Would be twenty-five (25) ft.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated his main concern is the distance off the roadway. The rest of the neighborhood is set off the road. Nothing else that close to the road. Being only three (3) foot off the front property line on a road that everything else is set back behind the building line is a bit hard to swallow. Don't have a lot of roads like that especially in the older parts of town. A carport has its own unique set of guidelines. It is a building, but has to go in the side yard with a six (6) foot setback. Michelle Bakker stated this is open on all four (4) sides. Tim Kubiak stated he would rather see a closer separation to the porch of the house, since it is a completely open building. It is not gonna store gasoline and it doesn't have the same requirements as a shed for fire.
- e) Board's Discussion: Discussion on the location of the well ensued. Jerry Wilkening stated everything there is set way back. Jeremy Kuiper stated how many other of these would be put up, if we set precedence with this. That whole street as we saw is the same distance off the road. Tim Kubiak stated this house wasn't built that long ago and that is why we made them show a place for the future garage. That is part of the rules when you build a new house. Jerry Wilkening asked how did the well end up there. Michelle Bakker stated there was already a house there. Discussion on size of carport. Jeff Bunge stated a real problem with the distance off the road. Most of the building lines are close to thirty (30) foot. Jeremy Kuiper explained to the petitioner what it meant to request a deferral. Tim Kubiak stated it would be wise to scale it back. Jeremy Kuiper stated present your best case. The main issue is the setback off the road being so close. Jeff Bunge requested the petitioner to stake it out so we could get a better idea of what he wants.

A motion was made by Jeff Bunge and seconded by Jerry Wilkening to defer to the September 8, 2016 BZA Public meeting.

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| Eric Olson | Jerry Wilkening | John Kieपुरa | Jeff Bunge | Jeremy Kuiper | Vote |
| Absent | Yes | Absent | Yes | Yes | 3-0 |

5. Tully Lunsford – Developmental Variance

Owner: Tully D. Lunsford, 7026 W. 127th Pl., Cedar Lake, IN 46303
 Petitioner: Tully D. Lunsford, 7026 W. 127th Pl., Cedar Lake, IN 46303
 Vicinity: 7026 W. 127th Pl., Cedar Lake, IN 46303
 Legal Description: Highgrove BL.9 W.1/2 of Lot 18 & All Lots 19 to 24
 Tax Key Number(s): 45-15-23-251-007.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District; Section 4: D. Rear Yard-there shall be a rear yard setback of not less than twenty-five percent (25%) of the depth of the lot.

This Developmental Variance is to allow the Petitioner to build a room addition with a ten (10) ft. rear yard setback

- Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be held.
- Petitioner's Comments: Tully Lunsford, 7026 W. 127th Pl., wants to put a room addition on the back of house. Wants to come within ten (10) feet of the fence/property line.
- Remonstrators: None
- Building Department's Comments: Tim Kubiak stated with the swimming pool and deck in the rear yard, why wouldn't he add on to the west side of the house. Mr. Lunsford stated he doesn't want a long ranch. Discussion on layout ensued. Tim Kubiak stated he has plenty of property, does not see a hardship to go ten (10) feet from the property line.
- Board's Discussion: Discussion on moving it from the back of the house to the side, where there is more property. Jerry Wilkening stated as a rule this board is for issues of space. Mr. Lunsford has a lot of space available. Jeff Bunge stated he does not have the lack of space for other options. The Board suggested a deferral, Mr. Lunsford said no. Tim Kubiak stated there are a lot of other opportunities, would rather have a twenty (20) foot rear yard setback and revise his plans. They go by the findings of fact and you have to have a unique use of your property, which you don't have. Reasonably a twenty (20) foot setback would be something we could consider. The Board requested a twenty (20) foot setback. Mr. Lunsford stated he could make that work.

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to approve the Developmental Variance with a twenty (20) foot rear yard setback and to include the findings of fact.

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| Eric Olson | Jerry Wilkening | John Kieपुरa | Jeff Bunge | Jeremy Kuiper | Vote |
| Absent | Yes | Absent | Yes | Yes | 3-0 |

6. St. John Paving – Use Variance

Owner: Richard Schilling, PO Box 657, St. John, IN 46373
 Petitioner: Michael Wick, St. John Paving, 10225 West 128th Ln., Cedar Lake, IN 46303
 Vicinity: 12615 Wicker Ave., Cedar Lake, IN 46303
 Legal Description: SW COR. NW NW S.21 T.34 R.9 2AC. SUBJ. TO R/W GRANT SUBJ. TO EASEMENT
 Tax Key Number(s): 45-15-21-101-014.000-014

Request: Petitioner is requesting a Use Variance from Zoning Ordinance No. 496, Title XIII Community Business (B-2) Zoning District

This Use Variance is to allow the Petitioner to operate St. John Paving and outdoor storage of trailers and to allow two businesses on a lot in a Community Business B-2 Zoning District

- Attorney to Review Legals: David Austgen state the legals are in order and public hearing may be conducted.
- Petitioner's Comments: Michael Wick, 10225 W. 128th Ln, to rent the shelter from Richard Schilling to store paving equipment. The only thing on the outside would be a couple of trailers. Just renting one building, the one behind Hoosier Overhead Door.
- Remonstrators: None

- d) Building Department's Comments: Tim Kubiak stated this is the building T & J Landscaping just moved out of.
- e) Board's Discussion: Discussion on proper zoning for this business. Jeremy Kuiper asked for an example of what he would be storing outside. Mr. Wick stated a couple 10'x14' trailers could be stored outside. Currently he has two (2), hopes to eventually have three (3) or four (4). Discussion on employee parking, hours of operation Monday – Friday with office is 8-5, sometimes jobs require to be on site at 6:00 a.m. and sometimes get back later. Shop hours 8-5 Monday-Friday. Discussion on clarification of two (2) businesses, to separate companies running businesses on the same lot. Discussion on number of trailers, he suggested five (5).

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to send a favorable recommendation to the Town Council for the Variance of Use as presented with the restriction of a maximum of five (5) trailers for outdoor overnight storage with the proposed hours of 8:00 a.m. to 5:00 p.m. Monday-Saturday and to include the findings of fact.

| Eric Olson | Jerry Wilkening | John Kiepura | Jeff Bunge | Jeremy Kuiper | Vote |
|------------|-----------------|--------------|------------|---------------|------|
| Absent | Yes | Absent | Yes | Yes | 3-0 |

Public Comment: None

Adjournment: Time: 8:20 p.m.

Press Session: Board of Zoning Appeals Meeting – September 8, 2016 at 7:00pm

Eric Olson

Jeff Bunge, Vice Chairman

Jerry Wilkening

Jeremy Kuiper, Chairman

John Kiepura

Attest: Tammy Bilgri, Recording Secretary

The Town of Cedar Lake is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding accessibility of the meeting or the facilities, please contact the Town Hall at (219) 374-7400.